



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
McMurray, et al.) Group Art Unit: 3644
Serial No: 10/643,831) Examiner: Trinh T. Nguyen
Filed: August 19, 2003) Docket No.: R087 1270.1
For: Lead Attached Sabot Slug

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents and Trademarks

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Official Action mailed March 22, 2004, a restriction requirement was entered, asserting that the application includes claims directed to patentably distinct species of the claimed invention including:

- Species 1: a firearm round as shown in Figures 1 and 2;
- Species 2: a firearm round as shown in Figure 7;
- Species 3: a firearm round as shown in Figure 8; and

Species 4: a firearm round as shown in Figure 9.

In response to this restriction requirement, Applicants provisionally elect species 1, a firearm round as shown in Figures 1 and 2, which election is being made with traverse.

As an initial matter, Applicants respectfully submit that Species 4, the firearm round shown in Figure 9, is a derivative of the firearm round shown in Figures 1 and 2, as indicated in the drawings and the specification. Figure 9 incorporates all of the same features of the round of Figures 1 and 2, including a slug, a compression section, and a solid section, "with the solid section simply being shorter in length than that illustrated in Figures 3 and 4," which illustrate the sabot portion of the firearm round of Figures 1 and 2. (See Specification, Page 5, lines 14 – 16). It is further respectfully submitted by Applicants that all of the claims 1 – 31 currently pending in the application, are generic so as to cover the embodiments of the invention as shown in Figures 1 and 2, as well as in Figure 9.

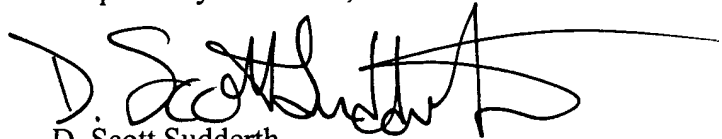
As to the Species 2 and 3, shown in Figures 7 and 8, Applicants respectfully point out that these figures illustrate the same embodiments of the invention, with Figure 8 simply being a cross-section of the firearm round of Figure 7, such that these figures should not be restricted as different species. The firearm round of Figures 7 and 8 further includes many of the same principles as the firearm round of Figures 1, 2 and 9, and Applicants further note that all of the claims 1- 31 as currently pending, appear to be generic so as to likewise cover the firearm round shown in Figures 7 and 8, as well.

Accordingly, Applicants respectfully submit that this restriction requirement as applied to Species 1 – 4 likewise is improper and should be withdrawn.

In summary, Applicants have provisionally elected Species 1, the firearm round shown in Figures 1 and 2, which election has been made with traverse. Applicants respectfully submit that

the firearm round shown in Figure 9 is a variation of the round shown in Figures 1 and 2, with a shortened solid section 12. The firearm round shown in Species 2/3 (Figures 7 and 8) likewise incorporates many of the same principles of the firearm round shown in Figures 1 and 2. It is further submitted that all the claims currently pending in the application, including claims 1 – 31, are sufficiently generic so as to cover all of the recited species. Accordingly, it is respectfully submitted that the present restriction requirement is improper and should be withdrawn. Should the Examiner have any questions regarding this response, he is invited and urged to telephone the undersigned attorney.

Respectfully submitted,



D. Scott Sudderth

Reg. No.: 34,026

WOMBLE CARLYLE SANDRIDGE & RICE

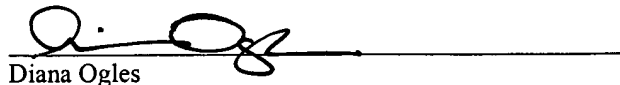
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CERTIFICATE OF MAILING

I hereby certify that this document is being deposited as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 15, 2004,



Diana Ogles